

Richard T. Drury (SBN 163559)  
richard@lozeaudrury.com  
Rebecca Davis (SBN 271662)  
rebecca@lozeaudrury.com  
LOZEAU DRURY LLP  
1939 Harrison St., Suite 150  
Oakland, CA 94607  
Telephone: (510) 836-4200  
Facsimile: (510) 836-4205

[Additional counsel appearing on signature page]

*Attorneys for Plaintiff and the Alleged Classes*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,  
INC., individually and on behalf of all others  
similarly situated,

**Plaintiff,**

V.

TOTAL MERCHANT SERVICES, LLC, a  
Delaware limited liability company,

**Defendant.**

Case No. 3:19-cv-05711-EMC

**PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

Judge: Hon. Edward M. Chen  
Courtroom: 5  
Complaint Filed: September 11, 2019

Pursuant to Local Civil Rule 79-5 and 7-11, Plaintiff Abante Rooter and Plumbing, Inc. (“Plaintiff” or “Abante”) respectfully seeks leave to file the documents described below under seal. This motion is supported by the Declaration of Patrick H. Peluso.

Civil L.R. 79-5(e) states that if the party submitting a motion to file under seal "is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order, or a document containing information so designated by an opposing party or a non-party, the Submitting Party's declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the

1 designated confidential material and identify the party that has designated the material as  
2 confidential ('the Designating Party')."

3 Plaintiff respectfully requests that Plaintiff's Reply in Support of Motion for Class  
4 Certification (the "Motion"), page 2 n.1; page 3 lines 5-6, 13, 19-21; page 8 lines 26-27; page 9  
5 lines 1-3; and page 14 lines 15-19 be filed under seal. These documents have been designated  
6 confidential by Defendant Total Merchant Services, LLC ("Defendant") pursuant to the stipulated  
7 protective order entered in this case (dkt. 42).

8 Accordingly, Plaintiff respectfully moves to file the following documents under seal in  
9 compliance with the stipulated protective order:

- 10 1. Plaintiff's Reply in Support of Motion for Class Certification, page 2 n.1; page 3  
11 lines 5-6, 13, 19-21; page 8 lines 26-27; page 9 lines 1-3; and page 14 lines 15-19,  
12 which discuss documents and testimony that were designated as confidential by  
13 Defendant pursuant to the protective order entered in this case.

14 Accordingly, Plaintiff respectfully requests that the Court grant this administrative motion  
15 to seal.

16 Respectfully submitted,

17 Dated: May 21, 2021

18 **ABANTE ROOTER AND PLUMBING, INC.,**  
individually and on behalf of all others similarly  
situated,

19 By: /s/ Patrick H. Peluso  
20 One of Plaintiff's Attorneys

21 Richard T. Drury (SBN 163559)  
richard@lozeaudrury.com  
22 Rebecca Davis (SBN 271662)  
rebecca@lozeaudrury.com  
23 LOZEAU DRURY LLP  
1939 Harrison St., Suite 150  
24 Oakland, CA 94607  
Telephone: (510) 836-4200  
Facsimile: (510) 836-4205

25  
26 Steven L. Woodrow (*admitted pro hac vice*)  
swoodrow@woodrowpeluso.com  
27 Patrick H. Peluso (*admitted pro hac vice*)

1 ppeluso@woodrowpeluso.com  
2 Taylor T. Smith (*admitted pro hac vice*)  
3 tsmith@woodrowpeluso.com  
4 Woodrow & Peluso, LLC  
5 3900 E. Mexico Ave., Suite 300  
6 Denver, Colorado 80210  
7 Tel: 720-907-7628

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Attorneys for Plaintiff and the Classes

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 21, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Beth-Ann Ellenberg Krimsky (*admitted pro hac vice*)  
Email: beth-ann.krimsky@gmlaw.com  
Lawren A. Zann (*admitted pro hac vice*)  
Email: lawren.zann@gmlaw.com  
Greenspoon Marder, PA  
200 East Broward Blvd.  
Suite 1800  
Fort Lauderdale, FL 33301  
954-527-2427  
Email: beth-ann.krimsky@gmlaw.com

James Harold Vorhis  
Email: [jvorhis@nossaman.com](mailto:jvorhis@nossaman.com)  
Nossaman LLP  
50 California Street  
34th Floor  
San Francisco, CA 94111  
415-398-3600

*Counsel for Defendant Total Merchant Services, LLC*

/s/ Patrick H. Peluso